

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TQP DEVELOPMENT, LLC**

Plaintiff,

v.

**MERRILL LYNCH & CO., INC., et al.,**

Defendants.

**Civil Action No. 2:08-cv-00471 TJW/CE**

**UNOPPOSED MOTION TO CONTINUE DATE FOR DEFENDANTS FIDELITY  
INVESTMENTS, INC., FMR LLC AND FMR CORP. TO RESPOND TO COMPLAINT**

Defendants Fidelity Investments, Inc., FMR LLC and FMR Corp. (“Fidelity Defendants”) respectfully request an extension of time to answer or otherwise respond to Plaintiff TQP Development, LLC’s complaint.

The Fidelity Defendants’ responses are currently due Thursday, April 30, 2009, and they request an extension up to and including May 14, 2009, by which to file their answer or other response. The Plaintiff, TQP Development LLC, does not oppose the relief requested in this motion.

Dated: April 30, 2009

Respectfully submitted,

**FISH & RICHARDSON, P.C.**

By: /s/ R. Ritch Roberts

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**Attorneys for Fidelity Investments,  
FMR LLC, FMR Corp.**

**CERTIFICATE OF CONFERENCE**

Counsel for Fidelity Investments, Inc., FMR LLC and FMR Corp. in the above captioned matter, states (1) that counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and (2) the foregoing motion is unopposed.

Dated: April 30, 2009

/s/ R. Ritch Roberts  
R. Ritch Roberts

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 30, 2009 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ R. Ritch Roberts  
R. Ritch Roberts